

MANAGEMENT PAY PLAN

Performance Review Dispute Resolution and Appeal Process

Purpose

These procedures are to be used to consider disputes from Management Pay Plan employees regarding a delay or denial of a salary increment resulting from a performance review.

Until the matter reaches the City Service Commission, the process is designed as a dispute resolution procedure that encourages the parties to reach a resolution through open and constructive discussion, problem solving, and planning for future job performance. A resolution could include reconsideration of the action to delay or deny a pay increment; reconsideration of how long a pay increment is to be withheld; the creation of a performance improvement plan; or a decision to not proceed with the issue.

When the City Service Commission considers the matter, it is considered to be a formal appeal.

DISPUTE RESOLUTION PROCESS

1. Discussion with Immediate Supervisor and Department

Prior to entering this dispute resolution process, it is assumed that the employee and immediate supervisor have engaged in performance planning, during which job performance standards and expectations were communicated to the employee. It is also assumed that the parties have participated in an in-person performance review at which time the employee received an explanation for the rating(s) received.

An employee who disagrees with a performance review resulting in the denial or delay of a pay increment must submit the reasons he or she disagrees with the review in writing, on a form specified by the Department of Employee Relations. The completed form shall be given to the person who rendered the review, department head, and human resources departmental representative within 10 working days of receiving a final written copy of the performance review. Upon receipt of this form, the Department Head or his/her designee will meet with the employee to review the reason for the disagreement. The parties will work to reach a resolution as described above. Within 10 working days following the discussion, the department shall inform the employee in writing of the disposition and the rationale for the decision.

2. Employee Relations' Review

An employee who is not satisfied with the outcome of the previous step and wishes to carry the issue further will contact the Compensation Services Section of the Department of Employee Relations (DER) and arrange for a meeting to discuss the matter. Contact with DER should be made within 10 working days of receiving the Departmental disposition described above. DER will ensure that individuals participating in this process will seek to understand the performance requirements of the job which include standards for the quantity, quality, and timeliness of work, adherence to work rules, and competencies required to perform the job.

The goals of meeting with a representative from the Compensation Division of Employee Relations are to:

- Identify opportunities to enhance the communication between the parties about their claims and supporting evidence;

- Provide an assessment of the merits of the case by a human resources professional;
- Identify and clarify the central issues in dispute and mediate potential resolutions (this does not include overturning the department's decision to deny or delay an increment);
- Facilitate problem-solving and planning for future job performance between the employee and other stake holders.

The Compensation Services Section will issue a summary of the review within 10 working days of the meeting. The Human Resources Manager responsible for compensation services in the Department of Employee Relations, or designee, will normally function in this capacity.

3. Review by Employee Relations Director

If the employee is not satisfied with the results of the previous step, the employee may request a review by the Employee Relations Director. This request for review must be received within five working days from when the employee received the determination from step number 2. The Employee Relations Director will render a decision in writing within five working days from the time the review was requested.

CITY SERVICE COMMISSION APPEAL PROCESS

If the employee is dissatisfied with the Employee Relations Director's determination, he or she will have three working days from receipt of the Director's disposition to file an appeal to the City Service Commission. This will constitute the final step in the determination of the appeal. The Commission will schedule an appeal hearing and will either affirm, overturn, or modify the initial determination by the department to deny or delay the salary increment.

For purposes of the appeal, the parties must submit relevant documentation or evidence in support of their position. Generally, this evidence/documentation will be limited to that presented and used throughout the first three steps of the dispute resolution process. Additional evidence/documentation may be considered if it is determined to be relevant to the dispute and not available to the parties during the earlier steps of the process. This will ensure that disputes can be resolved at the earliest possible stage of the process and that the Commission will not have to consider new information that was not made available to the employee or the department and DER representatives.

Any documents or evidence intended for use at the appeal hearing shall be provided to the Department of Employee Relations at least five working days prior to the scheduled hearing. The Commission Secretary shall ensure that these materials are provided to the Commission and the respective parties as soon thereafter as possible. The Commission will not accept new or additional documents, exhibits, or written materials on the date of the hearing.

The standard used by the Commission in disposing of the appeal will be based on the one used for Classification Appeals. The presumption of accuracy rests with the evaluating party, the department. It is up to the appellant to prove, with clear and convincing evidence, that the determination by the department to deny or delay the salary increment should be overturned or modified.

Pursuant to 19.85(1)(f), Stats. regarding employment, promotion, compensation or performance evaluation data of any public employee over whom the Board has jurisdiction or exercises responsibility, the Board may, upon motion, retire into closed session to conduct this hearing.

Approved by the Board of City Service Commissioners on July 08, 2008